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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 UNITED STATES OF AMERICA,

Case No. 2:16-cr-00046-GMN-PAL

8 Plaintiff,

9 v.

ORDER

10 RYAN W. PAYNE,

(Mot. Compel Addresses – ECF No. 2696)

11 Defendant.

12 This matter is before the court on Defendant Ryan W. Payne's Motion Requesting
13 Addresses for Purposes of Serving Subpoenas (ECF No. 2696), filed October 13, 2017. This
14 Motion is referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(A) and LR IB 1-3 of the
15 Local Rules of Practice. The court has considered the Motion, the Government's Response (ECF
16 No. 2701), and Payne's Reply (ECF No. 2708).

17 On Friday, October 13, 2017, defense counsel filed seven motions requesting subpoenas to
18 compel the testimony of certain witnesses in an evidentiary hearing before the Honorable Chief
19 Judge Gloria M. Navarro on Monday, October 23, 2017. *See* ECF Nos. 2683, 2685, 2686, 2687,
20 2688, 2689, 2691, 2693. Each of the motions provided a proposed subpoena including an address
21 for the witness. With regard to employees of the employees of the Bureau of Land Management
22 ("BLM"), defense counsel's affidavits and the proposed subpoenas indicated that the subpoenas
23 would be served "c/o" (*i.e.*, in care of) Kent Kleman, the BLM agent who the government
24 previously designated to "accept and serve defense subpoenas for their personnel and inform
25 defense counsel if process cannot be effected." Sept. 11, 2017 Order (ECF No. 2351). Shortly
26 thereafter, defense counsel filed the pending motion asking the court to "order the government to
27 provide the directory of the BLM employees so that the defense can ensure that the subpoenas
28 have been issued and can be served at the proper BLM office." Mot. (ECF No. 2696) at 3.

1 The court granted subpoenas for four current or former BLM employees, ECF Nos. 2700,
2 2073, and denied subpoenas for three others, ECF No. 2702. In granting the subpoenas to three
3 current BLM employees, and in accordance with the prior Order (ECF No. 2351), the court ordered
4 Agent Kleman to accept and serve defense subpoenas for the named BLM personnel and promptly
5 inform defense counsel if process cannot be effected. Order (ECF No. 2700). Additionally, the
6 court stated that government counsel “is not responsible for arranging for or reimbursing the
7 witnesses for travel, lodging, or expenses.” *Id.* (citing Order (ECF No. 2351), U.S. Marshals
8 Service, *Public Defender’s Handbook*, available at www.usmarshals.gov/prisoner/pdhandbook).¹

9 Defense counsel filed a Reply (ECF No. 2708) after the court ruled on the subpoena
10 motions. The Reply acknowledges that “service of the subpoenas that have been issued will be
11 effectuated” given the designation of Agent Kleman; however, counsel’s new concern is the
12 witnesses’ travel arrangements and asks the court to order government counsel to provide the
13 witnesses’ “date of birth (to issue tickets) and nearest airport (in order to buy the appropriate
14 ticket)” to the Marshal’s office. *Id.* at 2. This new request exceeds the original scope of the motion.
15 More importantly, this request directly contradicts the court’s prior orders informing defense
16 counsel that government counsel was not responsible for making such travel arrangements. The
17 court also provided a link to the U.S. Marshal’s handbook, which describes the applicable agency
18 guidelines in detail. The handbook states that the “**Public Defender** must inform the witness to
19 contact the U.S. Marshal’s office on how to make travel arrangements.” U.S. Marshals Service,
20 *Public Defender’s Handbook*, at Travel, Lodging, Meals and Incidental Expenses (emphasis in
21 original). This request is therefore denied.

22 Accordingly,

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28 ¹ In an amended order entered today, the court corrected a scrivener’s error on the original Order (ECF No. 2700) clarifying that the “government” referred to the United States Attorney’s Office.

1 **IT IS ORDERED:** Defendant Ryan W. Payne's Motion Requesting Addresses for
2 Purposes of Serving Subpoenas (ECF No. 2696) is **DENIED**.

3 Dated this 17th day of October, 2017.

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6 PEGGY A. LEEN
7 UNITED STATES MAGISTRATE JUDGE
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